

DETAILED ACTION

Election/Restrictions

1. Claims 1-7, 9-12, 14-17, and 27-29 are allowable. The restriction requirement between the allowable apparatus claims 1-7, 9-12, 14-17, and 27-29, and the non-elected method of manufacturing of the apparatus (claims 21, and 23-26), as set forth in the Office action mailed on August 24, 2010, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 21 and 23, directed to the method of manufacturing the dew point cooler of claim 1 are no longer withdrawn from consideration because the claims require all the limitations of allowable independent claim 1. However, claims 24-26, directed to the method of cancelled claim 22 remain withdrawn from consideration because they do not require all the limitations of an allowable claim, since they depend from cancelled claim 22.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Conclusion

2. This application is in condition for allowance except for the following formal matters:

Claims 24-26, which would be rejoined with claims 21 and 23, as noted above, are dependent upon cancelled claim 22. Thus if claims 24-26 were to be rejoined in their current state, they would be subject to a rejection under 35 U.S.C. 112, second paragraph as being indefinite, since their respective scopes could not be determined based upon their dependence upon a cancelled claim. Applicant should either cancel claims 24-26, or alternatively amend the dependency of claim 24 to rejoined and allowable claim 21.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Bushey whose telephone number is (571)272-1153. The examiner can normally be reached on M-Th 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1776

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Scott Bushey
Primary Examiner
Art Unit 1776

/S. B./
10-23-11

/Scott Bushey/
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